THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.4094 of 2001

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in not paying salary for the period from 10.6.1999 to 12.6.2000 and in not reimbursing medical bills as arbitrary, illegal, violative of principles of natural justice.

It appears, petitioner while working as Constable in Central Industrial Security Force (CISF), Visakhapatnam, applied leave from 14.5.1999 to 11.6.1999 and he went to his native place. While he was in the return journey on 10.6.1999, he met with an accident at Tata Nagar, Jameshedpur and he was admitted to Tata Hospital, Tata Nagar, Jamshedpur with multiple injuries and he was treated for about one year and ultimately he joined the duty on 12.6.2000. Thereafter, he requested the authorities to grant medical leave from 10.6.1999 to 12.6.2000 and also medical reimbursement. The authorities refused to grant medical reimbursement stating that in case of an employee falls sick at an outstation during leave or on official tour or the dependent members of the employees' family fall ill at a place other than the place of his/her headquarters during temporary absence, reimbursement of expenses incurred on treatment will be allowed as admissible under rules provided the treatment has been done at a Government Hospital. However, for reasons to be accepted by the Head of Medical Department, if an employee or his dependent spouse and children are treated by a Medical Practitioner or a non-governmental medical institution, the reimbursement would be limited by Head of Medical Department or Rs.100/-. Since the petitioner had taken treatment in a private hospital, his bills were sent to the second respondent and the

second respondent rejected the same stating that there is no provision in the company rules for reimbursement of medical expenses. According to the respondents, this fact was communicated to the petitioner. The respondents further asserted that they have acted within the purview of established rules.

Heard both sides.

There is no dispute as to the employment of the petitioner. There is also no dispute as to the petitioner proceeding on leave from 14.5.1999 to 11.6.1999 and met with an accident on 10.6.1999 and reporting back to duty only on 12.6.2000 i.e. after one year in view of multiple injuries suffered by him in the accident. In fact, as soon as a Constable in the CISF returns from leave, he is supposed to report to the Commanding Officer. In this case, petitioner reported to the Commanding Officer on 12.6.2000 for further posting. This shows that during the period from 11.6.1999 to 12.6.2000, he was on medical leave and was with CISF main unit and was not in deployment with Visakhaptnam Steel Plant. Therefore, the respondents cannot say that the medical expenditure incurred by the petitioner for multiple injuries suffered by him in the accident occurred on 10.6.1999 cannot be reimbursed and he has to get the same from Visakhapatnam Steel Plant. In fact, the Visakhapatnam Steel Plant had bluntly refused to pay any medical expenditure stating that the petitioner was not working with the company at the time of accident.

I am of the opinion that the approach made by the respondents is a pedantic and not realistic one. In a given case like this, the respondents ought to have reimbursed the medical expenditure to the petitioner and also ought to have granted medical leave, as per his eligibility and entitlement, treating that the petitioner was working in CISF main unit and instead of doing that, petitioner was made to run

from pillar to post.

Under those circumstances, the respondents are directed to consider the case of the petitioner for reimbursement of his medical bills for the injuries suffered by him on 10.6.1999 as per CISF Rules, if necessary, by relaxing the rules and further directed to sanction medical leave for the period from 11.6.1999 to 12.6.2000 as per the eligibility of the petitioner and pass appropriate orders within a period of (8) weeks from the date of receipt of a copy of this order and communicate the same to the petitioner.

The writ petition is accordingly disposed of. No order as to costs.

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C.V.RAMULU,
J

Date: 3.10.2007

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THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.4094 of 2001

3.10.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.4094 of 2001

Date: 3rd October, 2007

Between:

J.Mahapatra

.. Petitioner

And

The Director General, Central Industrial
Security Force, Headquarters, CGO Complex,
Lodhi Road, New Delhi & another.

.. Respondents